

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYLON J. KAUS,

[DOB: x/xx/79]

Defendant.

NO. 06-03037-01-CR-S-DW

COUNT ONE:

18 U.S.C. § 2251(a) & (e)

NLT 15 yrs/NMT 30 yrs & \$250,000 fine

Supervised Release: Up to Life

Class B Felony

COUNTS TWO & THREE:

18 U.S.C. § 2252A(a)(2)(A), (B) & (b)(1)

NLT 5 yrs/NMT 20 yrs & \$250,000 fine

Supervised Release: Up to Life

Class C Felony

COUNT FOUR:

18 U.S.C. § 2252A(a)(5) & (b)(2)

NMT 10 years & \$250,000 fine

Supervised Release: Up to Life

Class C Felony

COUNT FIVE:

18 U.S.C. § 2253

Forfeiture

\$100 Mandatory Assessment Each Count

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

On or about August 13, 2004, in Laclede County, and elsewhere, in the Western District of Missouri, WAYLON J. KAUS, defendant, did employ, use, persuade, induce, and coerce a minor male to engage in sexually explicit conduct, for the purpose of producing a visual depiction of such conduct; and said visual depiction was produced using materials that had been

mailed, shipped, and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT TWO

On or about December 22, 2005, in Laclede County, in the Western District of Missouri, WAYLON J. KAUS, defendant, knowingly distributed material, that is, computer files, that contained three or more images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A) & (C), that had been mailed, shipped, and transported in interstate and foreign commerce and were contained in material which had been mailed, shipped, and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) & (B) and (b)(1).

COUNT THREE

On or about May 2, 2004, in Laclede County, in the Western District of Missouri, WAYLON J. KAUS, defendant, knowingly received material, that is, computer files, that contained three or more images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A) & (C), that had been mailed, shipped, and transported in interstate and foreign commerce and were contained in material which had been mailed, shipped, and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) & (B) and (b)(1).

COUNT FOUR

On or about February 7, 2006, in Laclede County, in the Western District of Missouri, WAYLON J. KAUS, defendant, knowingly possessed material, that is, computer hard drives, and computer disks, that contained three or more images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A) & (C), that had been mailed, shipped, and

transported in interstate and foreign commerce and were produced using materials which had been mailed, shipped, and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2252A(a)(5) and (b)(2).

COUNT FIVE

The allegations contained in Counts One through Four are realleged and are incorporated by reference herein for the purpose of alleging forfeiture of: any visual depiction described in Title 18, United States Code, Section 2252A, or any film, videotape, computer file, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this section; any property, real or personal, used or intended to be used to commit or to promote the commission of such offense; including, but not limited to the following:

1. Acer laptop computer;
2. Emachine computer;
3. Compaq Presario computer;
4. Samsung Digimax 300 Camera;
5. NEC computer; and
6. Compact disks, floppy disks, and 8x3 1/4 disk containing child pornography

all seized from the defendant all in violation of Title 18, United States Code, Section 2253 (a).

A TRUE BILL.

/s/ _____
FOREPERSON OF THE GRAND JURY

/s/ Rose A. Barber _____
ROSE A. BARBER
Assistant United States Attorney